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Congress of the United States
House of Representatives
Washington, DC 20515-2107

October 22, 2002

The Honorable Spencer Abraham
Secretary
Department of Energy
Washington, D.C.

Dear Mr. Secretary:

I am writing to request that you immediately make public a detailed list of any and all nuclear technology transferred or approved for transfer to North Korea under the 1994 Agreed Framework.

As you know, press reports have indicated that when confronted by U.S. diplomats with intelligence information about its covert nuclear weapons programs, North Korea recently acknowledged the existence of these programs. I already have written to the President, along with Representatives Cox and Gilman, to express our concerns regarding North Korea's violations of the Nuclear Non-Proliferation Treaty and the 1994 Agreed Framework and our views regarding an appropriate U.S. response to these violations (see enclosure).

On July 5, 2002, White House National Security Advisor Condoleezza Rice wrote me that currently the Administration is "...only transferring technology necessary for licensing and safe operation of the completed light water reactors." I wish to know if this policy is still in effect, and, if so, which nuclear technology transfers are continuing and why. If it has been discontinued, I would like to know exactly when it was discontinued and what transfers were affected.

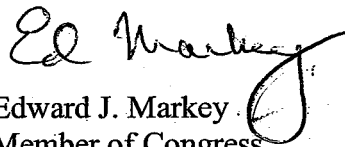
I am writing to you in this matter because it is my understanding that nuclear technology transfers to North Korea would likely require approval by you under Section 57b of the Atomic Energy Act and the regulations issued by the Department at 10 CFR Part 810.

I also request a listing of each nuclear technology transfer to North Korea (including any transfers to the Korean Peninsula Energy Development Organization (KEDO) for the purpose of supporting the design, construction or operation of nuclear reactors in North Korea, or to any North Korean entity involved in such project) that has been considered by the Secretary pursuant to 10 CFR Part 810 since the 1994 Agreed Framework was signed. For each such transfer, I request a copy of the application for an authorization, a copy of any letters or other documents granting or denying such authorization, including any documents setting forth the basis for such an approval or

denial, and a copy of any reports submitted to the Department by applicants for such an authorization pursuant to the requirements of these regulations. In addition, I request copies of any suspension, revocation or modification of such authorization in light of the acknowledgement by North Korea that it has violated both the Agreed Framework and its obligations under the Nuclear Non-Proliferation Treaty. If you are unable or unwilling to provide any of the requested information, I request a written explanation of the legal and policy basis for denying Congress and the American public access to information regarding what nuclear technology has been provided to the Communist government of North Korea – particularly in light of that country's ongoing nuclear activities.

Thank you for your assistance and cooperation with this request. We ask that the information I have requested be provided within 24 hours. Please have your staff contact Mr. Jeff Duncan or Dr. Benn Tannenbaum at 202-225-2836 if you have any questions about this request.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ed Markey", with a stylized flourish at the end.

Edward J. Markey
Member of Congress